

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 02.01.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice N.PAUL VASANTHAKUMAR

Writ Appeal No.2315 of 2002

Annai Sivagami Madhar Sangam,
(S.No.50/86), Indravanam
(Via) Periyakolappalur,
Chetpet Block,
Polur Taluk, Thiruvannamalai
District, rep. by the President
Stella Mary Appellant/Petitioner

Vs.

1. Government of India,
Ministry of Home Affairs,
rep. by the Secretary,
(NID) I Desk)
New Delhi.

2. The State of Tamil Nadu, rep,
by the Secretary to Government,
Adi Dravidar & Tribal Welfare
Department, Secretariat,
Chennai-9.

Respondents/Respondents

Writ appeal filed under Clause 15 of the Letters Patent against the order dated 14.06.2002 made in W.P.No.20681 of 2002 presented to this Court under Article 226 of the Constitution of India to issue a Writ of Certiorarified mandamus to call for the records in the file of the I Respondent in Proceedings No. 1-16012/6/2000-NID dated 12.6.2001 which was communicated by the II respondent in his Proceedings Letter No. 16075/ADW 9 (1) 2001-1 dated 31.7.2001 and to quash the same and direct the respondents to grant approval to the petitioner under the grant-in-aid under NIC Scheme Ministry of Home Affairs and consequently give the entire aid to the petitioner.

For Appellant : Mr.R.Singgaravelan

For respondents : No appearance

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order dated 14.06.2002 made in W.P.No.20681 of 2002, in and by which, the learned single Judge, after finding no merit in the claim of the petitioner-Sangam, has dismissed the writ petition.

2. Heard the learned counsel appearing for the appellant.

3. The terms and conditions for grant of assistance to voluntary organisations/Institutions/Universities and other Educational Institutions for activities in the cause of National Integration are available at pages 1 to 6 of the typed set of papers. We have perused the relevant terms and conditions. Among those conditions, para IV are relevant for the disposal of the above matter, which reads as under:

"IV. The lines on which the activities may be organised;
The activities mentioned in the proceeding paragraph may be organised in any of the following forms;

- (a) Inter-community celebration of National Day and festivals;
- (b) Cultural shows, essays/paintings and competitions;
- (c) Inter-regional campus, exchange of visits;
- (d) Citizen's Committees for the maintenance of communal harmony;
- (e) Public meetings, exhibitions or group endeavours of a similar description to foster fellow feeling and to highlight the essential principles of Indian nationhood and secularism;
- (f) Supplementing with the financial resources of an organisation which is devoted as a while to the furtherance of communal harmony, secularism and national unity;
- (g) any innovation activity/programme relating to National Integrity/Communal Harmony."

4. According to the appellant/petitioner, their Sangam has made an application to the first respondent for sanction of necessary funds in terms of the Scheme (NIC) on 31.03.1998. The petitioner has also furnished a letter from the District Collector as well as State Government recommending their claim. However, the concerned authority viz., Ministry of Home Affairs, Government of India, after going through the activities and the basis on which grant-in-aid was sought for, for construction of houses, declined to accept their request. The clarification available in the letter of the Ministry of Home Affairs, Government of Tamil Nadu dated 12.06.2001 are as follows:

"Copy of No.1-16012/6/2000-NID I dated 12.6.2001 from the Government of India, Ministry of Home Affairs, New Delhi, addressed to the Secretary to Government, Adi Dravidar & Tribal Welfare Department, Chennai-9.

Sub: Regarding grant-in-aid under NIC Scheme

I am directed to refer to your letter No.4448/ADW./2001-2 dated 8.5.2001 on the subject mentioned above regarding grant-in-aid under NIC Scheme for construction of free houses for poor people.

2. This Ministry had already informed vide letter of even number dated 12th March, 2001 that grant-in-aid cannot be released under NIC Scheme for construction of houses and the proposals are processed for construction of houses and the proposals are processed for arranging certain approved activities in the cause of National Integration and Communal Harmony as provided under para IV of the Scheme. This Ministry has reconsidered the proposal of the said organisation and it has decided that no relaxation can be given for purposes other than specified under para IV of the Scheme and hence the request of the State Government for releasing grant-in-aid for construction of houses by the said organisation stands rejected. The organisation may please be informed accordingly.

/True copy/

Sd/-.....
Section Officer,
06.08.2001"

5. It is clear from the decision of the Ministry of Home Affairs, Government of India that they had considered the proposal of the petitioner-Sangam and after finding that their request cannot be considered for the purposes other than specified in para IV of the Scheme, requested the State Government to inform the same to the petitioner.

6. In the light of terms and conditions of the Scheme, which we have already extracted above and the reply/clarification by the Ministry of Home Affairs (vide their letter dated 12.06.2001), we are unable to accept the grievance of the petitioner/appellant. The learned single Judge, after finding no fault on the orders of the Government of India, which was communicated by the State Government, has dismissed the writ petition. In view of the terms and conditions of the Scheme, clarification by the Ministry of Home Affairs, the

activities of the petitioner though laudable, no direction contrary to the Scheme be issued by this Court. Accordingly, we confirm the conclusion arrived at by the learned single Judge and dismiss the writ appeal. However, it is made clear that the appellant/petitioner is free to approach the first respondent, if the said Scheme or any other Scheme is available and applicable to their claim and if the same is permissible within the terms and conditions of the Scheme, it is for the first respondent to consider and pass appropriate orders.

7. With the above observation, the writ appeal is dismissed. No costs.

raa

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

- 1.The Secretary,
Government of India,
Ministry of Home Affairs,
(NID) I Desk)
New Delhi.
- 2.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar & Tribal Welfare
Department, Secretariat,
Chennai-9.

1 CC TO MR.R. SINGARAVELAN, SR 49

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02.01.2007

HPR (CO)

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